

REMARKS

Drawings

Applicant appreciates the Examiner's indication that the drawing objection has been withdrawn.

Claim Amendments

Please note that the claim status and amendment markings given above assumes that the amendments set forth in the prior Response (mailed 14 May 2004) have been entered prior to these amendments.

Claims 3, 14, 17, 28, 33, and 44 have been amended per the Examiner's suggestion to indicate that the relevant selection is "automatic," meaning that the selection itself is done without user intervention. These amendments are believed to be fully supported by the specification and drawings as originally filed, and therefore do not introduce new matter.

Claim Rejections

Applicant repeats the arguments set forth in the prior Response (mailed 14 May 2004) as if set forth fully herein. Further, Applicant adds the following:

"Orientation": The Examiner dismisses Applicants comments on the portrait/landscape mode issue, stating that they are "hypothetical and unconstructive." Applicant respectfully submits that the Examiner misconstrues Applicants arguments on this point. Applicant is arguing the meaning of the terms "portrait mode" and "landscape

mode" as understood by one of ordinary skill in the art. Applicant submits that to one of ordinary skill in the art, these terms have a meaning that requires a certain orientation. That is why "orientation" is relevant. Applicant is unable to identify where the Examiner has pointed to anything that rebuts this understanding of how the terms are understood by one of ordinary skill in the art. As such, it is respectfully requested that the Examiner reconsider this point in view of how the claims would be understood by one of ordinary skill in the art.

Motivation to combine: The Examiner states that the motivation to combine "Ludwig's mobile terminal for video conferencing to Kohda's communication terminal for video conferencing is to provide a portable system with greater accessibility to users." The Examiner is requested to specifically point out the origin of this motivation with specific citation to the exact passages relied on in Ludwig and/or Kohda that provide support for this motivation. If the motivation is not specifically founded in Ludwig and/or Kohda, the Examiner is requested to specifically state this and to cite to the exact location of where support for this motivation can be found outside of Ludwig and/or Kohda.

In addition, Applicant notes that the Examiner has not rebutted Applicant on the issue of whether combining Ludwig and Kohda as suggested by the Examiner would defeat a critical feature of Kohda. The Examiner is specifically requested to address this point in detail in the next Action.

"Freezing": The Examiner addresses the "freezing" limitation of several claims (e.g., claim 5) in the Advisory Action. Applicant understands the Examiner's argument to be

premised on the idea that the user (the recipient) in Palmer is the "comparator" required by the claims. Along these lines, the Examiner states "Palmer teaches a system wherein a recipient compares/examines received audio signals ... and selectively mutes audio or freezes video of certain participants (col. 9, lines 19-20) and satisfies a comparator's function." The Examiner is respectfully requested to explicitly confirm that the Examiner's reason for rejecting the relevant claims is based on this premise. If not, the Examiner is requested to clarify the Examiner's basis for the rejection, as this is the meaning understood by Applicant.

Claim 3: The undersigned believes that originally filed claim 3 read:

3. The communication terminal of claim 2, wherein said comparator selects as said active participant said remote participant from which the strongest audio signal is received.

The undersigned notes that the Examiner appears to disagree. As such, the undersigned requests that the Examiner provide a copy of the originally filed claim 3, and preferably all originally filed claims, with the next Action so as to clarify the record. As an explanation of why such action is needed, the undersigned notes that responsibility for the prosecution of this case has been transferred between law firms, and it is possible that some papers have been misplaced during that transfer. The undersigned wishes to express appreciation in advance to the Examiner for meeting this request.

Kohda's "communication terminal": The undersigned repeats the request that the Examiner identify the exact structure corresponding to each claimed element of claim 1

with specific reference to the reference numbers in Kohda's Figures. Applicant notes that the earlier response contained the following text (emphasis in original)


...the Examiner is specifically requested to **identify** the structure corresponding to **each claimed element that the Examiner asserts is present in Kohda using Kohda's reference numbers.** Also, the Examiner is specifically requested to **identify exactly what components in Kohda allegedly make up the required communication terminal.** These requests are done with specific reference to MPEP §706.07 which requires "The examiner should never lose sight of the fact that in every case the Applicant is entitled to a full and fair hearing, and that a clear issue between applicant and examiner should be developed, if possible, before appeal." Because a central issue in the present rejection is whether Kohda shows a communication terminal with all the required elements, Applicant submits that the detailed identification is necessary in order to clarify the ambiguity present in the Examiner's current explanation of the grounds for rejection of claim 1.

The undersigned presently is unable to locate where the Examiner has responded to this request with the any reference numbers from Kohda. As such, Applicant requests that the Examiner provide the requested information in the next Action.

Based on the above, Applicant submits that the pending claims define patentable subject matter, and allowance of the case is respectfully requested..

Respectfully submitted,
COATS & BENNETT, P.L.L.C.

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